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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,136	06/16/2000	Karl-Heinz Ellenberger	01954/000K538-US0	2734

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New York, NY 10008-0770

EXAMINER
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RODRIGUEZ, JOSEPH C

ART UNIT	PAPER NUMBER
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3653

MAIL DATE	DELIVERY MODE
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06/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/595,136

**Applicant(s)**

ELLENBERGER ET AL.

**Examiner**

Joseph C. Rodriguez

**Art Unit**

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-29, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8, 11, 12, 15, 17-20, 23-26, 29 and 31 is/are rejected.
- 7) ☒ Claim(s) 10, 13, 14, 16, 21, 22, 27, 28 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/16/00 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flap parts and related sensor must be shown or the features canceled from claims 13 and 16. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 3, 4, 11, 17, 18, 23-26, 29 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawandy et al. ("Lawandy")(US 2001/0032805).

Lawandy (Fig. 7) teaches a device for sorting laundry pieces comprising:

a feed device (22a, 22b; para. 62 teaching that feed device can be chute--funnel) that receives the laundry pieces and dispenses them;

a transport device (24, 26) that receives the laundry pieces dispensed from the feed device at a predetermined interval, wherein the interval is one of a predetermined distance between the laundry pieces on the transport device and a predetermined period of time between the dispensing of the laundry pieces, so that individual the laundry pieces are separated separate from each other, wherein the transport device comprises a conveyor belt that transports the individual, separated laundry pieces in a transport direction;

a recognition device (10; para. 40 teaching laser) disposed in relation to the transport device for determining different types of the separated laundry pieces being transported by the transport device through a region, the recognition device generating

a data signal in response to the recognition of one of the individual, separated laundry pieces (para. 62);

a registering device (para. 62-66 inherent from operation of system that uses multiple blowers to direct linens into specific collection devices that some form of registering/locating device is employed) disposed in relation to the transport device for sensing a location of the one laundry piece on the transport device, the registering device generating a register signal for the individual laundry piece indicating that the one laundry piece is present at the their presence at a location;

a data processor (CP) for receiving the data signal and the register signal for the one laundry piece laundry pieces, the data processor associating the data signal and the register signal, and generating a control signal in response thereto (para. 62-66);

a plurality of collection containers (24a-e, 26a-e) disposed downstream of the recognition device in the transport direction at different locations for receiving laundry pieces, wherein the individual collection containers are predetermined to receive particular types of laundry pieces; and

a collection device (28 showing multiple blower devices) for directing a the particular types of laundry pieces to one of the predetermined collection containers based on the control signal from the data processor. The method steps are anticipated in the normal operation of the device cited above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3653

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8, 12, 15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawandy in view of Lane, Rydell and Weiss (US 4,239,435).

Lawandy as set forth above teaches all that is claimed except for expressly teaching multiple registering devices predisposed to certain collection containers and a funnel with a flap floor. Weiss, however, explicitly teaches the use of predisposed sensors for each receiving station to better coordinate the release of each article (Abstract) and it is also well known in the sorting arts to use redundant sensors to ensure that an apparatus is functioning properly. Further, Lane (el. E) and Rydell (Fig. 1) teach the use of flap floor bins (i.e., funnels) that monitor laundry characteristics such as weight and volume to regulate the inflow of laundry (Abstract). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Lawandy as set forth above.

#### ***Allowable Subject Matter***

Claims 10, 13, 14, 16, 21, 22, 27, 28 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST). The Supervisory Examiner is Patrick Mackey, **571-272-6916**.

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see

**<http://pair-direct.uspto.gov>**

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Signed by Examiner Joseph Rodriguez

Jcr

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June 1, 2007

A handwritten signature in black ink, appearing to be 'Jcr', is written over the signature line.